

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
February 15, 2007

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on February 15, 2007 and was called to order by Acting Mayor Robert Kammerer at 7:30 p.m.

Pledge of Allegiance.

Present: Councilmen Broderick, Hemphill, Kammerer, Rubin and Shanley.

Absent: Mayor Ekdahl and Councilwoman DeVoe.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was present.

The Acting Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2007 to the *Asbury Park Press* and the *Two River Times*.

The Municipal Clerk/Administrator advised that Councilwoman DeVoe had requested that he make the members of the Council aware that there was a change to the February 1, 2007 Borough Council minutes in her Committee Report on the Rumson Garden Club meeting with the Borough regarding Meadow Ridge Park—the spelling of Liz Card was incorrectly stated as Liz Carr. He advised that the change would be made to the permanent minutes.

On motion by Councilman Hemphill, seconded by Councilman Broderick, the minutes of the previous meeting were approved as written, subject to the spelling correction being made, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

**LETTER FROM THE MONMOUTH COUNTY MOSQUITO EXTERMINATION
COMMISSION REQUESTING THE BOROUGH'S PERMISSION FOR AERIAL
SURVEILLANCE AND TREATMENT OVER RUMSON BEGINNING MARCH 15, 2007
AND CONTINUING THROUGH NOVEMBER 30, 2007:**

The Municipal Clerk/Administrator advised of a letter dated February 6, 2007 from Douglas Guthrie Sr., Superintendent of the Monmouth County Mosquito Extermination Commission, requesting the Borough's permission again this year for their aerial surveillance and mosquito treatment over Rumson. The program begins on March 15, 2007 and will continue through November 30, 2007.

The Municipal Clerk/Administrator advised that the Borough signs an agreement with the Commission annually to allow the program.

On motion by Councilman Broderick, seconded by Councilman Hemphill, this communication was ordered received and approval granted for the Monmouth County Mosquito Extermination Commission to perform aerial surveillance and treatment over Rumson this year on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

LETTER FROM SPECIAL PEOPLE UNITED TO RIDE (SPUR) REQUESTING PERMISSION TO CONDUCT HORSE AND WAGON RIDES AT THEIR FAMILY EVENT AT SALT CREEK GRILLE ON SATURDAY, MARCH 24TH FROM 9:00-11:00 A.M. WITH THE ROUTE BEGINNING AT THE SALT CREEK GRILLE PARKING LOT, PROCEEDING LEFT ONTO WASHINGTON STREET CROSSING WEST RIVER ROAD, RIGHT ONTO NARUMSUNK STREET, RIGHT ONTO LAFAYETTE STREET CROSSING WEST RIVER ROAD AGAIN, RIGHT ONTO HUNT STREET, LEFT INTO THE POST OFFICE DRIVEWAY TO END BACK AT SALT CREEK GRILLE:

The Municipal Clerk/Administrator advised of a letter dated February 5, 2007 from Linda Smith, Fundraising Chair of Special People United to Ride (SPUR), requesting the Borough's permission to conduct horse and wagon rides at their family event at Salt Creek Grille on Saturday, March 24th from 9:00-11:00 a.m. with the route beginning at the Salt Creek Grille parking lot, proceeding left onto Washington Street crossing West River Road, right onto Narumsunk Street, right onto Lafayette Street crossing West River Road again, right onto Hunt Street, left into the Rumson Post Office driveway to end back at Salt Creek Grille.

In answer to a question by Councilman Hemphill, the Municipal Clerk/Administrator advised that we would require SPUR to make the appropriate arrangements with the Police Department. He added that this is the first time they have made a request of this nature.

On motion by Councilman Hemphill, seconded by Councilman Broderick, this communication was ordered received and approval granted for the SPUR request to have horse and wagon rides on the streets near Salt Creek Grille on March 24, 2007, subject to their arranging for the proper safety and traffic procedures. All in favor.

LETTER FROM THE ENGLISH GROUP, LLC ON BEHALF OF DAVID AND ELLEN BROWN FOR PROPERTY AT 6 WILSON CIRCLE, ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. FOR CONSTRUCTION OF A PIER, DOCK AND BOATLIFT AS SHOWN ON THE PLANS:

The Municipal Clerk/Administrator advised of a letter from the English Group, LLC on behalf of David and Ellen Brown, 6 Wilson Circle. The letter advised of an application submitted to

the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Waterfront Development Permit to construct a pier, dock and boatlift as shown on the plans.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE TO CHANGE THE CONSTRUCTION PERMIT FEE SCHEDULE. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

AN ORDINANCE TO AMEND THE CODE
OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER VIII,
BUILDING AND HOUSING

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

The Acting Mayor afforded the members of the Council an opportunity to be heard on this ordinance in final reading and no one responded.

The Acting Mayor afforded the public an opportunity to be heard on this ordinance in final reading and no one responded.

On motion by Councilman Rubin, seconded by Councilman Broderick, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

NEW BUSINESS:

ORDINANCE TO AMEND THE FEES FOR CERTIFIED COPIES OF VITAL STATISTIC RECORDS TO INCLUDE CIVIL UNIONS IN FIRST READING. PUBLIC HEARING SCHEDULED FOR THURSDAY, MARCH 1, 2007:

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON
BY AMENDING CHAPTER II, ADMINISTRATION, BOARD OF HEALTH

BE IT ORDAINED by the Borough Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter II, Administration, Board of Health of the code of the Borough of Rumson is hereby amended or supplemented as follows:

Chapter II, General Ordinances, of the code of the Borough of Rumson is hereby amended or supplemented as follows (new text is underlined and text to be deleted is ~~struck through~~).

SECTION 1. That Chapter II, Administration, Board of Health §2-10.4, Fees be added to read as follows:

FEES

§ 2-10.4.1 Appointment of Registrar of Vital Statistics Clerk; Sanitary Inspector.

No change.

§ 2-10.4.2 Establishment of Fees for Certified Copies. The following fees are hereby fixed and established for certified copies of a Vital Statistic record:

- (a) Twenty dollars (\$20.00) for the first certified, sealed copy of a Vital Statistic Record (birth, marriage, civil union, domestic partnership, death and correction).
- (b) Five dollars (\$5.00) for each additional certified, sealed copy of a Vital Statistic Record thereafter.
- (c) The number of certified, sealed copies for birth and marriage records are not to exceed five (5) for reasons of security.

SECTION 2. This ordinance shall take effect upon the passage and publication according to law.

Councilman Rubin moved the adoption of this ordinance in first reading. Motion seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

Acting Mayor Kammerer stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Thursday, March 1, 2007 meeting of the Borough Council at 7:30 p.m.

RESOLUTION TO AWARD A CONTRACT TO BECKER TREE SERVICE FOR THE BOROUGH TREE CONTRACT FOR 2007:

The Municipal Clerk/Administrator advised that the Borough had sent out eight requests for proposals for the 2007 Borough Tree Contract to local tree contractors and received three proposals.

In response to a question from the Council, the Municipal Clerk/Administrator advised that Becker's Tree Service, Inc. was the lowest proposal and that they would be called as needed at \$100.00 per hour for two men, \$150.00 per hour for three men and \$3.00 per inch of diameter of each stump removed. The proposal request was changed a bit this year to charge per hour rather than charges for the use of each truck and individual equipment.

It was noted that the former Tree Contractor, Brooks Tree Service, had been called upon by the Shade Tree Commission and the Tree Preservation Officer for his expert opinion on the health or specimen of a tree from time to time and to testify for the Planning Board when it was required; we could still use Brooks in that capacity. The new Tree Contractor will be used for tree removal and trimming only as needed and will begin a maintenance program starting with Oakes Road going east to Riverside Drive and Wardell Avenue, which was arranged prior to the storm. This area has a low amount of trees in some sections and a large amount in others for a good mix. We will see how long it takes Becker's Tree Service to do the work in this target area and then judge the work and time needed in other parts of town accordingly. It is the hope that the entire town would be able to be taken care of to raise the canopy to twelve (12') feet on the street side to allow trucks to safely pass under the limbs and ten (10') feet on the property side to balance the trees. Large dead limbs are to be removed during this process also. We have budgeted \$5,000 for the work to be done in the right-of-way in this area; we usually budget \$30,000 for tree work annually.

In answer to a question regarding the branches and trees that had come down in the storm, the Municipal Clerk/Administrator advised that the Department of Public Works employees were taking care of the cutting up and removal of the branches. A tree service has not been needed at this time.

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, there is a need for the Borough to hire a tree contractor for the necessary tree pruning and removal of Borough trees; and

WHEREAS, the Borough Administrator sent out requests for proposals to eight local tree contractors for the 2007 Tree Contract; and

WHEREAS, three local contractors responded with proposals for the Borough's 2007 Tree Contract; and

WHEREAS, the Borough Council has reviewed the proposals and considered the recommendations of the Borough Administrator and Superintendent of Public Works; and

WHEREAS, the Borough Council finds that the lowest responsive proposal from a responsible contractor was that of Becker's Tree Service, Inc., 3306 Shafto Road, Tinton Falls, NJ 07753;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that it does hereby accept the proposal of and award the 2007 Borough Tree Contract to Becker's Tree Service Inc., 3306 Shafto Road, Tinton Falls, NJ 07753 effective March 1, 2007; and

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

RESOLUTION TO AUTHORIZE THE SALE OF THE APACHE FIRE TRUCK NO LONGER NEEDED BY THE BOROUGH OF RUMSON TO OCEANIC HOOK & LADDER CO. NO. 1 FOR THE SUM OF \$1.00:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson owns a 1960 Chevrolet pickup truck used by Oceanic Hook & Ladder Co. No. 1; and

WHEREAS, the truck has served the Borough well for many years; and

WHEREAS, the truck is no longer of value to the residents of the Borough; and

WHEREAS, the truck does have value to the Fire Department and its members for historic purposes; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the 1960 Chevrolet pickup truck be sold to the Oceanic Hook & Ladder Co. No. 1 for the amount of \$1.00.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

In answer to a question by the Council, the Municipal Clerk/Administrator advised that this truck had been decommissioned because of its age and that either the Oceanic Hook & Ladder Co. No. 1 would now maintain and insure it or someone in the Fire Company would.

**RESOLUTION TO AUTHORIZE CHANGE ORDER #1 FOR FERNANDES
CONSTRUCTION CO. FOR THE 2006 CAPITAL IMPROVEMENT PROGRAM –
PHASE II:**

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves Change Order No. 1 of the Borough's contract with Fernandes Construction Co., 32 John Street, South River, NJ 08882, for the 2006 Capital Improvement Program – Phase II at Various Locations, which change order will reflect an increase of \$31,244.00. Said change order was recommended by the Project Engineer in a letter dated February 1, 2007, a copy of which is on file in the Borough Clerk's office.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

In answer to a question by the Council, the Municipal Clerk/Administrator advised that the work had been started in 2006 with the catch basins in place on Windmill Lane and now the paving is to be done at the end of March; an easement had to be obtained from John Tsakaris for drainage to the pond and an application to the Department of Environmental Protection had to be made. Some new pipes and connections also had to be made to replace very old ones on Belknap Lane. Some of the work has been completed and some needs to be done.

TEMPORARY EMERGENCY APPROPRIATION RESOLUTION:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2007 Budget will be finally adopted and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2007 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Administration – Other Expenses	\$ 8,000.00
Records Retention and Disposal – Other Expenses	\$ 1,000.00

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

RAFFLE APPLICATION FOR RUMSON-FAIR HAVEN PTSA 50/50:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from Rumson-Fair Haven PTSA, 74 Ridge Road. Said raffle to be held at Rumson-Fair Haven Regional High School on April 18, 2007 at 7:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this application was approved. All in favor.

ANNOUNCEMENTS BY THE ACTING MAYOR:

Acting Mayor Kammerer made the following Announcements:

1. Borough Hall will be closed on Monday, February 19th in observance of Presidents' Day. There will be no garbage collection on February 19th. All those residents whose regular garbage day falls on that Monday will have to wait until their next regular collection day.

2. The Borough will be holding the Public Meeting regarding the proposed new Borough Hall in the Rumson-Fair Haven Regional High School Auditorium on Tuesday, February 20th at 7:30 p.m.

Thank you for your cooperation.

COMMENTS FROM THE COUNCIL:

The Acting Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Acting Mayor afforded the public an opportunity to be heard at this time and no one responded.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of February 15, 2007:

Wachovia Bank		
Balance:	02/01/07	\$ 5,241,936.04
Cash Receipts:		\$ 6,817,520.01
Void Check		\$ 0.00
Pre-Paid Items:		\$ 0.00
Bills & Claims:	02/15/07	\$ (2,478,132.12)
Payroll:	02/15/07	\$ (187,180.33)
Wachovia Bank Balance:		<u>\$ 9,394,143.60</u>
Certificate of Deposits:		\$ 8,000,000.00
Money Market Funds:		\$ 0.00
Total Current Fund:		\$17,394,143.60

On motion of Councilman Broderick, seconded by Councilman Shanley, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Broderick offered the following resolution and moved its adoption:

\$	70.00	Monmouth County SPCA
\$	808.80	NJ State Dept of Health
\$	878.80	Animal Control Account
\$	65,940.28	Fernandes Construction
\$	1,700.00	Timothy Kennedy
\$	67,640.28	Capital Account
\$	1,372.14	Action Office Supplies
\$	3,083.57	Allied Oil Company
\$	76.00	Americanwear Indust Uniforms

\$	90.33	American Messaging
\$	95.00	ANJR
\$	21.00	AR Communications
\$	815.64	Asbury Park Press
\$	656.76	Avaya Inc
\$	69.65	Avaya Inc
\$	42.00	Butches Auto Car Wash
\$	20.00	Central Jersey Reg Assoc
\$	2,077,020.46	Monmouth County Treasurer
\$	118,904.89	Monmouth County Treasurer (LIB)
\$	119,311.67	Monmouth County Treasurer (OS)
\$	374.60	Custom Tire Associates
\$	2,857.41	Delta Dental Plan of NJ
\$	337.00	Deptcor
\$	454.10	F & C Automotive Supply Inc
\$	28.96	Grainger
\$	40.76	Jane F Hartman
\$	204.76	Home Depot Commercial Credit
\$	270.00	Hutchins Farrell Meyer &
\$	76.65	Kepwell Natural Spring Water
\$	109.85	Lanigan Associates Inc
\$	141.00	MGL Forms
\$	6,975.00	Mickey Benoit Inc
\$	27,729.40	Treasurer County of Monmouth
\$	150.00	Monmouth Municipal Judges Assoc
\$	149.99	Monmouth Truck Equipment
\$	158.12	National Parts Supply Company
\$	264.62	Naylor's Inc
\$	7,443.50	New Jersey American Water
\$	395.00	New Jersey Motor Truck Assoc
\$	106.75	Sprint Nextel
\$	395.00	NJ Conference of Mayors
\$	200.00	NJ State Assoc of Chiefs
\$	61,589.41	State of NJ Pensions/Active
\$	37,100.07	State of NJ Pensions/Retiree
\$	101.46	Northern Safety Co Inc
\$	317.98	Norwood Auto Parts
\$	100.00	Public Works Assoc of NJ
\$	125.00	Thomas S Rogers
\$	400.00	Rumson Elementary School Dist
\$	40.00	Rutgers Cooperative Extension
\$	9.55	Sanitation Equipment Corp
\$	30.50	Seaboard Welding Supply Inc
\$	32.94	Sickles
\$	1,922.88	South Jersey Energy
\$	162.00	Staples
\$	1,020.58	Jeffrey R Surenian & Assoc
\$	1,531.95	Targeted Technologies LLC
\$	273.34	Timmerman Equipment Company

\$	2,000.00	Treasurer State of NJ
\$	324.80	Joseph Tuzik
\$	318.44	The Two River Times
\$	17.00	Uniform Headquarters
\$	41.14	Up Tite Fasteners
\$	126.40	Verizon
\$	26.40	George Wall Lincoln Mercury
\$	78.70	Werner Dodge
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\$	2,478,132.12	Current Fund
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\$	500.00	Athlete's Alley
\$	20.33	Jane F Hartman
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\$	520.33	Endowment Inc Account
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\$	185.00	Athlete's Alley
\$	92.00	Commerce Insurance Center
\$	480.00	Jay Dooley
\$	2,240.00	Alan Fendrick
\$	289.20	John Hird
\$	920.00	Chuck Iarussi
\$	120.00	Kate Miller
\$	135.00	Rumson Market
\$	2,376.00	US Lacrosse
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\$	6,837.20	Recreation Account
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\$	5,043.61	Current Fund Appropriations
\$	2,473,088.51	Current Fund Appropriations
\$	878.80	Animal Control Fund Expenses
\$	67,640.28	Capital Fund Disbursements
\$	520.33	Endowment Disbursements
\$	6,837.20	Recreation Disbursements
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\$	2,554,008.73	Total Of All Funds

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: DeVoe.

ADJOURNMENT:

On motion by Councilman Shanley, seconded by Councilman Hemphill, the meeting adjourned at 7:50 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator